

IN THE IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

RECEIVED

KATHY JONES,

Plaintiff,

v.

DOLGENCORP, INC.,

Defendant.

2006 OCT 12 P 1:11

DEBRA P. HACKETT, CLK  
DISTRICT COURT  
CIVIL ACTION NUMBER  
MIDDLE DISTRICT ALA  
2:06-cv-927-MEF

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that, for the reasons set forth below, Defendant Dolgencorp., Inc. (hereinafter "Defendant" or "Dolgencorp") files this Notice of Removal to remove this action from the Circuit Court of Montgomery County, Alabama, to the United States District Court for the Middle District of Alabama, Northern Division, pursuant to 28 U.S.C. §§ 1331, 1337, and 1441. In support of the Notice of Removal, the Defendant states as follows:

1. On or about September 12, 2006, Plaintiff Kathy Jones ("Plaintiff" or "Jones") filed Case No. CV-06-900043 in the Circuit Court for Montgomery County, Alabama alleging violations of the federal Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201 et seq. (the "FLSA"). Defendant was served with the Complaint on September 14, 2006.

2. This Court has jurisdiction over the Plaintiff's FLSA claim because this Court has original jurisdiction over claims arising under the FLSA. See 29 U.S.C. § 216(b).

3. Removal to this Court is proper because an action under the FLSA that was initiated in a state court is removable to federal court. See Breuer v. Jim's Concrete of Brevard, Inc., 538 U.S. 691 (2003).

4. The citizenship of the parties shall be disregarded for purposes of this removal. 28 U.S.C. §§ 1441(a), 1441(b).

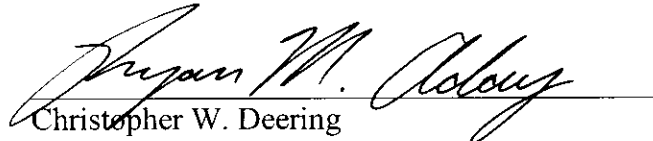
5. Less than 30 days have passed since the Defendant first received notice of the Plaintiff's Complaint.

6. Pursuant to 28 U.S.C. § 1446(a), true copies of the relevant process, pleadings, and orders served upon the Defendants in such action are attached hereto.

7. Defendant shall promptly file a copy of the Notice of Removal in the Circuit Court of Montgomery County, Alabama in accordance with 28 U.S.C. § 1446(d).

WHEREFORE, PREMISES CONSIDERED, Defendant Dolgencorp submits that this action is now properly removed from the Circuit Court for Montgomery County, Alabama, and is properly before this District Court, and that all further actions take place before this Court.

Respectfully submitted,

  
Christopher W. Deering  
Ryan M. Aday

**ATTORNEYS FOR DEFENDANT  
DOLGENCORP, INC.**

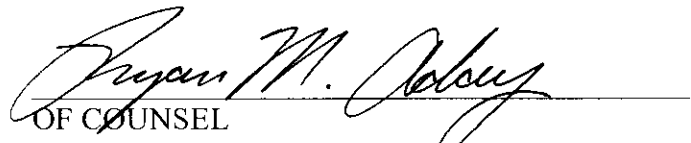
**OF COUNSEL:**

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.  
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1819 Fifth Avenue North  
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Telephone: (205) 328-1900  
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E-mail: [ryan.aday@odnss.com](mailto:ryan.aday@odnss.com)

**CERTIFICATE OF SERVICE**

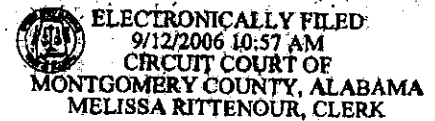
I hereby certify that a copy of the foregoing Notice of Removal was served upon counsel set forth below by placing a copy of same in the U. S. Mail, first-class postage prepaid and properly addressed, on this the 12<sup>th</sup> day of October, 2006:

Jere L. Beasley, Esq.  
W. Daniel Miles, III, Esq.  
Roman A. Shaul, Esq.  
Beasley, Allen, Crow, Methvin,  
Portis, & Miles, P.C.  
P.O. Box 4160  
Montgomery, AL 36103

  
OF COUNSEL

# EXHIBIT

# A



IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA  
FIFTEENTH JUDICIAL CIRCUIT

KATHY JONES,

Plaintiff,

-vs-

DOLGENCORP, INC.

Defendant.

Civil Action No. CV-06-900043

JURY TRIAL DEMANDED

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COMPLAINT

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COMES NOW Plaintiff, Kathy Jones, and files this lawsuit against the Defendants, Dolgencorp, Inc pursuant to 29. U.S.C. §201, *et seq.* of the Fair Labor Standards Act (hereinafter "FLSA") and for this cause of action states the following:

1. Defendant Dolgencorp, Inc., (hereinafter referred to as "Defendant" or "Dollar General") is a corporation conducting business in the State of Alabama. Defendant operates retail stores in the "dollar store" market under the trade name "Dollar General." Defendant operates over 8000 stores in approximately 39 states.
2. Plaintiff Kathy Jones currently resides in Montgomery County, Alabama.
3. This action is brought pursuant to the statutory scheme set out under the FLSA, 29 U.S.C §201 *et seq.* This lawsuit seeks to remedy violations of the wage provisions of the FLSA by Defendant. Defendant's actions have deprived the Plaintiff of lawful wages by failing to pay her the required minimum wage and overtime pay provided under the Act.
4. This Court has subject-matter jurisdiction over this action pursuant to 29 U.S.C. §216(b).
5. Defendant is subject to personal jurisdiction in the State of Alabama for the purpose of this lawsuit.

6. At all times material to this action, Defendant is an enterprise engaged in commerce or in the production of goods for commerce as defined by §203(s)(1) of the FLSA.

7. At all times relevant to this action, Defendant was an "employer" of Plaintiff as defined by §203(d) of the FLSA.

8. At all times material to this action, the Plaintiff was an "employee" of Defendant as defined by §203(e)(1) of the FLSA, and worked for Defendant within the territory of the United States within three (3) years preceding the filing of this lawsuit.

9. At all times relevant to this action, Defendant failed to comply with 29 U.S.C. §§201-209, because Plaintiff performed services for Defendant for which no provisions were made by Defendant to properly pay Plaintiff for all hours worked in excess of forty (40) within a work week. Similarly, Plaintiff was required to work hours of uncompensated time in violation of the minimum wage provision of the Act.

10. During her employment with Defendant, Plaintiff was not paid time and one-half her regular rate of pay for all hours worked in excess of forty (40) per work week during one or more weeks. Instead Defendant required Plaintiff to work hours "off the clock" without compensation for the same. Defendant reduced Plaintiff's actual hours worked in its computer system to avoid payment to Plaintiff of her proper overtime pay and/or required her to do the same.

11. As a result of Defendant's violations of the FLSA, the Plaintiff, has suffered damages by failing to receive compensation in accordance with the FLSA.

12. In addition to the amount of unpaid wages and benefits owing to the Plaintiff, she is also entitled to recover an additional amount as liquidated damages and prejudgment interest.

13. Defendant's actions in failing to compensate the Plaintiff was willful.

14. Defendant has not made a good faith effort to comply with the FLSA.

15. The Plaintiff is entitled to an award of attorney's fees and cost pursuant to

the FLSA.

16. Based on Defendant's willful conduct, the Plaintiff is entitled to the three (3) year statute of limitations allowed under the FLSA.

**WHEREFORE**, the Plaintiff prays for the following relief:

1. The Plaintiff be awarded damages in the amount of her respective unpaid compensation, plus an equal amount of liquidated damages pursuant, including prejudgment interest;
2. Plaintiff be awarded a reasonable attorneys' fees, including the cost and expense of this action; and,
3. Such other legal and equitable relief to which she may be entitled.
4. Plaintiff further demands a struck jury to try the issues raised in this matter.

/s/ Jere L. Beasley

\_\_\_\_\_  
JERE L. BEASLEY (BEA020)

/s/ W. Daniel Miles, III

\_\_\_\_\_  
WILSON DANIEL MILES, III (MIL060)

/s/ Roman A. Shaul

\_\_\_\_\_  
ROMAN A. SHAUL (SHA056)  
Attorneys for Plaintiff

**OF COUNSEL:**

**BEASLEY, ALLEN, CROW,  
METHVIN, PORTIS & MILES, P.C.**  
Post Office Box 4160  
Montgomery, Alabama 36103-4160  
Telephone No. (334) 269-2343  
Facsimile No. (334) 954-7555

**PLAINTIFFS DEMAND TRIAL BY STRUCK JURY  
ON ALL ISSUES RELATED TO THIS CAUSE**

/s/ Roman A. Shaul

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OF COUNSEL



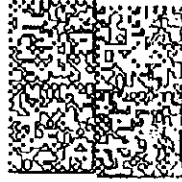


Melissa Rittenour  
Clerk and Register  
Circuit Court Montgomery County  
Montgomery County Courthouse  
P.O. Box 1667  
Montgomery, AL 36102-1667

**CERTIFIED MAIL**



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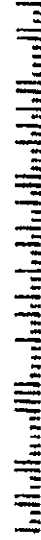
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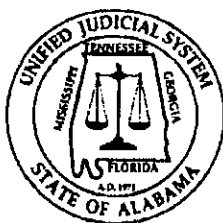
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US POSTAGE

9/14/06

3610444227-80 6005





## AlaFile E-Notice

03-CV-2006-900043.00

To: DOLGENCORP, INC.  
C/O CSC – LAWYERS INCORPORATING SERVICE  
150 S. PERRY STREET  
MONTGOMERY, AL 36104

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

KATHY JONES v. DOLGENCORP, INC.  
03-CV-2006-900043.00

The following complaint was FILED on 9/12/2006 11:00:43 AM

Notice Date: 9/12/2006 11:00:43 AM

MELISSA RITTENOUR  
CIRCUIT COURT CLERK  
MONTGOMERY COUNTY, ALABAMA  
251 S. LAWRENCE STREET  
MONTGOMERY, AL 36102

334-832-4950  
melissa.rittenour@alacourt.gov

**SERVICE RETURN COPY**